

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
9 LITIGATION

No. M 07-1827 SI

MDL. No. 1827

10 This Order Relates to:

11 ALL CASES  
12

**ORDER RE: HITACHI'S OBJECTION  
TO SPECIAL MASTER'S ORDER RE:  
FORMAT OF MOTION TO COMPEL  
PRODUCTION OF FOREIGN  
REGULATORY DOCUMENTS**

13  
14 On September 10, 2010, the Court heard argument on Hitachi's Objections to the Special  
15 Master's Order re: Format of Motion to Compel Production of Foreign Regulatory Documents. (Docket  
16 No. 1869).

17 As discussed at the hearing, the Court agrees with the Special Master's analysis with regard to  
18 the documents related to the European Commission investigation, and thus OVERRULES the direct  
19 purchaser plaintiffs' objections. The direct purchaser plaintiffs also assert that Hitachi misled the  
20 Special Master into believing that the EC had issued a Statement of Objections to Hitachi. However,  
21 the Special Master's Order explicitly states that it is unclear whether a Statement of Objections had been  
22 issued, and the fact that Hitachi has now confirmed that the EC has not issued a Statement of Objections  
23 does not mean that the Special Master's order must be revisited.

24 With regard to the documents related to the investigation of Hitachi by the Japanese Fair Trade  
25 Commission, the Special Master ordered Hitachi to provide a document log pursuant to Federal Rule  
26 of Civil Procedure 26. However, the Special Master stated that his order was based on the fact that  
27 Hitachi, as distinguished from its showing with regard to the EC Commission, had submitted no  
28 authority, such as opinions of counsel or statements by the JFTC, permitting Hitachi to withhold

1 documents submitted to the JFTC. After the Special Master issued his order, however, Hitachi obtained  
2 and submitted to this Court a policy statement from the JTFC which sets forth concerns similar to those  
3 presented in the EC materials that the Special Master reviewed in reaching his decision with regard to  
4 the EC documents. The Court finds that, in light of the JFTC statement and augmented showing before  
5 this Court, that the Special Master's reasoning regarding the EC documents also applies to the JFTC  
6 documents, and thus that Hitachi's obligations with regard to disclosing documents shall be the same  
7 for both sets of documents. Of course, nothing shall preclude the Special Master from deciding, in  
8 connection with his review of any motion to compel Hitachi to produce foreign regulatory documents,  
9 that additional descriptive information is required or that an *in camera* review is necessary.

10  
11 **IT IS SO ORDERED.**

12  
13 Dated: September 14, 2010



\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge